

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of GAGE DAKOTA BROWN, Minor.

FAMILY INDEPENDENCE AGENCY, f/k/a
DEPARTMENT OF SOCIAL SERVICES,

UNPUBLISHED
June 24, 1997

Petitioner-Appellee,

v

No. 199488
Van Buren Probate Court
LC No. 94-009512

HAROLD BROWN,

Respondent-Appellant,

and

STACEY FERGUSON,

Respondent.

Before: Gage, P.J., and Reilly and Hoekstra, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the probate court order terminating his parental rights to the minor child under MCL 712A.19b(3)(g); MSA 27.3178(598.19b)(3)(g). We affirm. This case has been decided without oral argument pursuant to MCR 7.214(E).

The probate court did not clearly err in finding that the statutory ground for termination was established by clear and convincing evidence. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Further, respondent-appellant failed to show that termination of his parental rights was clearly not in the child's best interest. *In re Hall-Smith*, ___ Mich App ___; ___ NW2d ___ (Docket No. 195833, issued 3/25/97), slip op p 3. Thus, the probate court did not err in terminating respondent-appellant's parental rights to the child. MCL 712A.19b(5); MSA 27.3178(598.19b)(5).

Respondent-appellant's argument that the probate court lost jurisdiction over this case by not issuing an opinion within twenty-eight days after the termination hearing, as required by MCR 5.974(G)(1), does not require reversal. See *In re Mayfield*, 198 Mich App 226, 230-231; 497 NW2d 578 (1993).

Affirmed.

/s/ Hilda R. Gage

/s/ Maureen Pulte Reilly

/s/ Joel P. Hoekstra